

COMMISSIONERS  
SUSAN BITTER SMITH - Chairman  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE

OPEN MEETING



ARIZONA CORPORATION COMMISSION

ORIGINAL

DATE: OCTOBER 21, 2015

DOCKET NO.: RR-03639A-13-0440

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Scott Hesla. The recommendation has been filed in the form of an Order on:

UNION PACIFIC RAILROAD COMPANY  
(ORDER EXTENDING TIME DEADLINE CONTAINED IN DECISION NO. 74456)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

OCTOBER 30, 2015

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

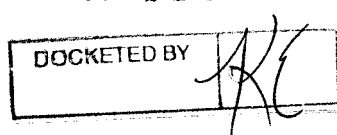
NOVEMBER 17, 2015 AND NOVEMBER 18, 2015

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

OCT 21 2015



JODI JERICH  
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347

This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 SUSAN BITTER SMITH - Chairman  
4 BOB STUMP  
5 BOB BURNS  
6 DOUG LITTLE  
7 TOM FORESE

8 IN THE MATTER OF THE APPLICATION OF  
9 THE ARIZONA DEPARTMENT OF  
10 TRANSPORTATION TO UPGRADE AN  
11 EXISTING CROSSING OF THE UNION PACIFIC  
12 RAILROAD COMPANY AT UNIVERSITY DRIVE  
13 IN THE CITY OF TEMPE, MARICOPA COUNTY,  
14 ARIZONA, AAR/DOT NO. 741-560C.

DOCKET NO. RR-03639A-13-0440

DECISION NO. \_\_\_\_\_

**ORDER EXTENDING TIME**  
**DEADLINE CONTAINED IN**  
**DECISION NO. 74456**

11 Open Meeting  
12 November 17 and 18, 2015  
13 Phoenix, Arizona

14 **BY THE COMMISSION:**

15 \* \* \* \* \*

16 Having considered the entire record herein and being fully advised in the premises, the  
17 Commission finds, concludes, and orders that:

18 **FINDINGS OF FACT**

19 1. On April 18, 2014, the Arizona Corporation Commission ("Commission") issued  
20 Decision No. 74456 which approved an application by the Arizona Department of Transportation  
21 ("ADOT") for approval for the Union Pacific Railroad Company ("Railroad") to upgrade an existing  
22 at-grade crossing at University Drive in the City of Tempe ("City"), Maricopa County, Arizona at  
23 AAR/DOT No. 741-560C.

24 2. In Decision No. 74456, the Commission ordered the Railroad to complete the  
25 approved crossing upgrade within fifteen (15) months of the effective date of the Decision, or by July  
26 18, 2015.

27 3. On July 9, 2015, the Railroad filed a request to extend the deadline for completing the  
28 crossing upgrade until January 18, 2016. In its filing, the Railroad indicates that it cannot complete  
the crossing upgrade until the City's contractors have finished constructing the roadway

1 improvements. According to the Railroad, the City's contractors may take from several weeks to  
2 several months to complete the roadway portion of the project. The Railroad states that the requested  
3 extension of time is needed to ensure that the Railroad can safely complete the crossing upgrade  
4 following the City's roadway improvements.

5 4. On October 15, 2015, the Commission's Safety Division Railroad Safety Section  
6 ("Staff") filed a memorandum recommending approval of the Railroad's request for an extension of  
7 time to complete the crossing upgrade by January 18, 2016.

8 5. Under the circumstances, the request of the Railroad for an extension of time until  
9 January 18, 2016, to complete the crossing upgrade approved in Decision No. 74456 is reasonable  
10 and in the public interest and should be granted.

#### 11 CONCLUSIONS OF LAW

12 1. The Commission has jurisdiction over the parties and over the subject matter of this  
13 proceeding pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and  
14 40-337.01.

15 2. The extension of time to comply with the requirement of Decision No. 74456, as  
16 discussed herein, is reasonable and appropriate and in the public interest.

17 3. After the installation of the crossing upgrade at University Drive, the Union Pacific  
18 Railroad Company shall maintain the crossing in accordance with A.A.C. R14-5-104.

#### 19 ORDER

20 IT IS THEREFORE ORDERED that the deadline for the Union Pacific Railroad Company to  
21 complete the crossing upgrade at University Drive, as required by Decision No. 74456, is hereby  
22 extended until January 18, 2016.

23 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall notify the  
24 Commission, in writing, within ten days of both the commencement and completion of the crossing  
25 upgrade, pursuant to A.A.C. R14-5-104.

26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Union Pacific  
2 Railroad Company shall maintain the crossing in compliance with A.A.C. R14-5-104.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.  
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6

7 CHAIRMAN

COMMISSIONER

8  
9 COMMISSIONER

COMMISSIONER

COMMISSIONER

10  
11 IN WITNESS WHEREOF, I, JODI JERICH, Executive  
12 Director of the Arizona Corporation Commission, have  
13 hereunto set my hand and caused the official seal of the  
14 Commission to be affixed at the Capitol, in the City of Phoenix,  
15 this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

16 JODI JERICH  
EXECUTIVE DIRECTOR

17 DISSENT \_\_\_\_\_  
18

19 DISSENT \_\_\_\_\_  
20 SMH:ru  
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